

10/576,441

REMARKS

The Applicant thanks the Examiner for indicating that claims 41, 44 and 45 would be allowable if appropriately amended to overcome the raised 35 U.S.C. § 112, second paragraph rejections. In accordance with this indication, the rejected claims are appropriately revised and those amended claims are now believed to be allowable.

The specification is objected to for the reasons noted in the official action. The above requested specification amendments to paragraphs [015], [069] and [075] are believed to overcome all of the raised informalities concerning this case. In addition, paragraphs [046], [058], [074], [075] and [077] are also amended to overcome informalities contained therein. If any further amendment to the specification is believed necessary, the Examiner is invited to contact the undersigned representative of the Applicant to discuss the same.

Next, claims 26-50 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for the reasons noted in the official action. The rejected claims are accordingly amended, by the above claim amendments, and the presently pending claims are now believed to particularly point out and distinctly claim the subject matter regarded as the invention, thereby overcoming all of the raised § 112, second paragraph, rejections.

Claims 26-29, 35-39, 42, 46 and 50 are then rejected, under 35 U.S.C. § 103, as being unpatentable over Cogifer `245 (FR 2708245). The Applicant acknowledges and respectfully traverses the raised obviousness rejection in view of the above amendments and the following remarks.

Cogifer `245 discloses a lane structure for steering and supporting vehicles that is made of several different solid concrete elements that are pre-fabricated and assembled on site. These separate elements include a central longitudinal support member 402 for supporting two guide rails 300; *two solid side longitudinal members 403, 404*, on which the vehicle 1 rolls and is supported; and cross-ties 405, which are placed at the ends of lane structures. The cross-ties 405 are used to unite and align two lane structures and correctly orient the longitudinal support member 402 and the two solid side longitudinal members 403, 404. The side longitudinal members 403, 404 are solid, integral and full concrete elements. As best seen in FIGS. 2, 8, 9 and 10, the longitudinal members 403, 404 have a square cross-section with a top surface upon which the tires of the vehicle 1 roll.

It is respectfully submitted that there are a number of differences between the presently claimed invention and the reference of Cogifer `245. First, the lane structure of Cogifer `245

includes many individual elements, such as those listed above, which are coupled together on site to form the lane section. The on-site assembly of the lane sections results from the fact that two adjoining lane sections share a common cross-tie 405. Second, the side rolling longitudinal members 403, 404 of Cogifer `245 are not caissons. As the Examiner is probably aware, a caisson is defined as a "chamber used in construction work under water or as a foundation." (See <http://www.merriam-webster.com/dictionary/caisson>). The important distinction being that a caisson is a closed hollow structure.

As briefly stated above, the side rolling longitudinal members 403, 404 of Cogifer `245 are solid, and not hollow. Since the longitudinal members 403, 404 are not hollow, they do not have an interior space 7 that defines a passage protected interior space that could be used for functional purposes, as with the presently claimed invention. Furthermore, as the longitudinal members 403, 404 are solid, the upper surface upon which the vehicle rolls is not "affixed" to the interior and exterior walls. In view of at least for the above noted differences, the Applicant respectfully asserts that the presently claimed invention are distinct from the applied reference of Cogifer `245.

In further distinction from Cogifer `245, the presently pending claims relate to a lane structure made of several prefabricated lane sections. Each of these prefabricated lane sections is entirely constituted and includes two lateral profiled hollow caissons having a rectangular or trapezoidal cross-section. Each caisson is formed by a flat base, two lateral walls and a top flat rolling band, which are united to define a hollow cavity or interior space. In further differentiation from the applied art, each of these prefabricated lane sections has several cross-ties supporting a guide rail.

It is respectfully submitted that there are many advantages stemming from these distinctions between the presently claimed invention and the teachings, suggestions, disclosure and hints of Cogifer `245. First, as discussed in the specification, there is a saving of weight and material due to the hollow structure of the caissons. Second, the inventive lane sections are easier and faster to install because of the simplified connection between the constituted prefabricated lane sections. Third, the interior space is protected from the elements, e.g., rain, wind, moisture, soil, etc., and can thus be utilized to house cables, electrical wires . . . or, alternatively, to blow hot air along the caissons for de-icing the upper surface (flat band) upon which the tires roll. Furthermore, once the upper surface of the caissons is removable, the protected interior space is easily accessible and the functional elements, such as any cables

or electrical wires housed therein, are easily accessible for maintenance, repair or any other purpose. It is respectfully submitted that any functional elements that may be taught by the applied prior art are conventionally buried and much more difficult to access.

A number of other advantages, according to the presently claimed invention, are discussed in the Summary of the Invention section of the presently pending patent application (see pages 1-3 of the specification). Some of these advantages include the fact that claimed lane section are not buried and no foundation is required thereby saving installation time and resources . Only minimal succinct ground preparation is needed for installing the claimed lane sections. In conjunction with this, the claimed lane sections can be laid virtually anywhere without the need for specialized digging operators. It is respectfully submitted that this is contrary to the typical installation of the lane structure according to Cogifer `245, which normally requires diverting buried conduits and pipes and preparing a foundation. These advantages over the lane structure according to Cogifer `245 result in a great reduction of installation time and associated cost. Furthermore, the structure according to the presently claimed invention is reduced and thus less expensive than that of the Cogifer `245 lane structure. In addition, assembly of the claimed lane sections is accomplished by simple mechanical-welding since the structure is relatively light and economical.

With the structure of the presently claimed lane section, the total load of the supported vehicle is evenly distributed all over the structure, that is all over the bottom face of both caissons and the cross-ties. As such, no special foundation is normally required below the claimed lane sections as a simple ground compaction is generally a sufficient ground preparation prior to installation. To the contrary, according to the lane structure of Cogifer `245, the load of the supported vehicle passes only through the two cross-ties at the ends of the lane structures and thus a specialized foundation and generally much excavation are required.

In order to emphasize the above noted distinctions between the presently claimed invention and the applied art, the independent claims 26 and 50 both now recite the features of "an approximately flat band track (8) is fixed to an upper part of the exterior wall (5) and an upper part of the interior wall (6) and supports the tires of the vehicle. . . the base (4), the exterior wall (5), the interior wall (6) and the flat band track (8) form the hollow caisson (3) and define a protected interior space (7)". Such features are believed to clearly and patentably distinguish the presently claimed invention from all of the art of record, including the applied art.

Lastly, claims 30, 31, 32, 33, 34, 40, 43, 47, 48 and 49 is rejected, under 35 U.S.C. § 103, as being unpatentable over Cogifer `245 in view of the following references: Jones `148 (US 4,036,148), Lundman `300 (US 4,421,300), Ruder et al. `867 (US 5,067,867), Mayne `193 (US 2,589,193), Koster et al. `178 (US 4,968,178), Emmons `301 (US 1,731,301), and Reichel et al. `946 (2004/182946). The Applicant acknowledges and respectfully traverses all of the raised obviousness rejections in view of the above amendments and the following remarks.

The Applicant acknowledges that the additional references of Jones `148, Lundman `300, Ruder et al. `867, Mayne `193, Koster et al. `178, Emmons `301 and Reichel et al. `946 may arguably relate to the features indicated by the Examiner in the official action. Nevertheless, the Applicant respectfully submits that the combination of the base reference of Cogifer `245 with this additional art of Jones `148, Lundman `300, Ruder et al. `867, Mayne `193, Koster et al. `178, Emmons `301 and/or Reichel et al. `946 still fails to in any way teach, suggest or disclose the above distinguishing features of the presently claimed invention. As such, all of the raised rejections should be withdrawn at this time in view of the above amendments and remarks.

In view of the above amendments and remarks, it is respectfully submitted that all of the raised rejections should be withdrawn at this time. If the Examiner disagrees with the Applicant's view concerning the withdrawal of the outstanding rejections or applicability of the Cogifer `245, Jones `148, Lundman `300, Ruder et al. `867, Mayne `193, Koster et al. `178, Emmons `301 and/or Reichel et al. `946 references, the Applicant respectfully requests the Examiner to indicate the specific passage or passages, or the drawing or drawings, which contain the necessary teaching, suggestion and/or disclosure required by case law. As such teaching, suggestion and/or disclosure is not present in the applied references, the raised rejection should be withdrawn at this time. Alternatively, if the Examiner is relying on his/her expertise in this field, the Applicant respectfully requests the Examiner to enter an affidavit substantiating the Examiner's position so that suitable contradictory evidence can be entered in this case by the Applicant.

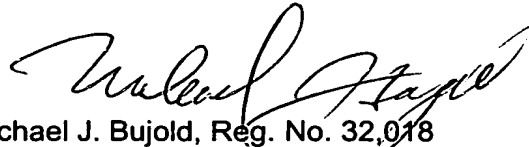
In view of the foregoing, it is respectfully submitted that the raised rejections should be withdrawn and this application is now placed in a condition for allowance. Action to that end, in the form of an early Notice of Allowance, is courteously solicited by the Applicant at this time.

10/576,441

The Applicant respectfully requests that any outstanding objection(s) or requirement(s), as to the form of this application, be held in abeyance until allowable subject matter is indicated for this case.

In the event that there are any fee deficiencies or additional fees are payable, please charge the same or credit any overpayment to our Deposit Account (Account No. 04-0213).

Respectfully submitted,



Michael J. Bujold, Reg. No. 32,018
Customer No. 020210
Davis Bujold & Daniels, P.L.L.C.
112 Pleasant Street
Concord, NH 03301-2931
Telephone 603-226-7490
Facsimile 603-226-7499
E-mail: patent@davisandbujold.com